

Public Document Pack

EMERGENCY DELEGATED NON EXECUTIVE DECISION

To the Chief Executive to take such action on behalf of the Council as appears to him/her necessary in circumstances that prevent obtaining the necessary authority from an appropriate committee following consultation with the Leader of the Council or the Chairman of the committee concerned. Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity. (In accordance with Part 3 of the Councils Constitution 3. (B 1) (1.1) Scheme of Delegation to Officers specific delegation to the Chief Executive.)

South Lakeland District Council Emergency Non-Executive Decision Extension to Statement of Licensing Policy

Date:05/03/2021	Reference:020
<u>Reason for emergency</u> The additional burdens caused by Covid 19 and the difficulty in holding a meaningful consultation exercise with 3 national lockdowns in the last 12 months has prevented SLDC from consulting on a revised statement of Licensing Policy. The current policy expired in January 2021 and officers are seeking authority to extend the now expired Statement of Licensing for a further 12 months so it can be properly reviewed and consulted on during that period. The Council has no planned meetings of the Licensing Committee or Overview and Scrutiny before the next Council meeting which is the decision maker to extend the Statement of Licensing Policy. It is therefore considered necessary in these circumstances and following consultation with the Chair of the Licensing committee and Chair of the Overview and Scrutiny Committee to make this Emergency Non-Executive Decision. The decision is required to be taken due to the risk to the authority of not having a current Statement of Licensing Policy.	

<u>Emergency Non-Executive Decision – Decision Maker</u>
Chair of Licensing Committee – Cllr Helen Ladhams
Chair of Overview and Scrutiny – Cllr Vicky Hughes

Portfolio: Economy and Culture – Cllr Robin Ashcroft
Report from: Simon Rowley – Director of Customer and Commercial Services
Report Author: Gareth Candlin – Operational Lead Specialist Services
Wards: All wards

1.0 Expected Outcome

1.1 The need for a current Statement of Licensing Policy is critical to protect the Council's Residents and Licensed Premises interest. By acknowledging the need for a 12 month extension to the current Statement of Licensing Policy which expired in January 2021 SLDC will be able to better support licensed premises as they reopen as the current lockdown ends and give proper opportunity for the Members and other stakeholders to be properly engaged in the revised Statement of Licensing Policy over the next 12 months.

2.0 Proposed Decision

2.1 It is recommended that the respective chairs of Licensing Committee and Overview and Scrutiny Committee:-

(1) Acknowledge the requirement to extend the current Statement of Licensing for a 12 month period (until March 2022) and

(2) Agree to a report being submitted to the Council on the 23rd March 2021 meeting to approve such an extension

Review Date:	
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3.0 Background and Proposals

3.1 Licensing authorities are required to publish a Licensing Policy Statement every Five years. This details how the licensing authority intends to operate and promote the licensing objectives in their area. Licensing authorities have regard to the licensing guidance issued by the Home Office in all their activities and must keep their Licensing Policy Statement under review and revised as appropriate.

3.2 When reviewing their policy, licensing authorities must consult:

- The chief officer of police for the licensing authority's area.
- The fire authority for that area.
- Representatives of holders of premises licences issued by that authority.
- Representatives of holders of club premises certificates issued by that authority.
- Representatives of holders of personal licences issued by that authority.
- Representatives of businesses and residents in its area.

3.3 SLDC's policy expired on 4th Jan 2021, additional workload from test and trace, Covid enforcement activity and general increase work pressure brought about by the pandemic have meant SLDC has not been able to resource this work prior to the expiry of the statement. A link to the policy can be found in the background documents.

3.4 The issue has been further exacerbated by the challenge in holding meaningful consultation when many of the consultees have either been closed (licensed premises), in lockdown (residents) or under significant increase workload (police).

3.5 By extending the current Statement of Licensing Policy for a further 12 months (until March 2022) it will allow the authority to conduct a considered and thorough review of the Policy working closely with the Licensing Committee and Overview and Scrutiny.

3.6 Additionally it will allow meaningful consultation with the stakeholders listed in 3.2 to ensure the Statement of Licensing Policy is robust and properly serves the needs of those parties for the next 5 year period.

4.0 Consultation

4.1 The Chair of Licensing Committee and Chair of Overview and Scrutiny Committee have been consulted and are in agreement with the proposed extension being sought at full council in March 2021

5.0 Alternative Options

5.1 The alternative available is to continue to have an out of date Statement of Licensing Policy while SLDC reviews and consults on an updated policy. This would have significant risks and would reduce our ability to hold licensed premises to account and protect the public.

6.0 Links to Council Priorities

6.1 N/A

7.0 Implications

Financial, Resources and Procurement

7.1 There is no financial, resource or procurement implications in this case.

- 7.2 The Statement of Licensing Policy sits within the budgetary and Policy Framework approved by Council on 28 March 2019 therefore permission to extend the 12 month period will need to go to the March 2021 Council for approval

Human Resources

- 7.2 NA

Legal

- 7.3 The Council is seeking to extend its current policy, the Policy is part of the Budget and Policy Framework and requires an approval from the Council meeting. Ordinarily reports would proceed to the Licensing Committee and through the Overview and Scrutiny Committee. There are no scheduled meetings and it is considered that an emergency non executive decision is required seeking the approval of the Chairs of Overview and Scrutiny and the Licensing Committee to the approach being taken.
- 7.4 A full consultation on the proposed future amendments to the Councils Licensing Policy will then be carried out in accordance with the Policy and Budget framework at the earliest.

Health, Social, Economic and Environmental

- 7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment?
Yes (attached at Appendix *) No
- 7.5 If you have not completed an Impact Assessment, please explain your reasons: The original Statement of Licensing was subject to this assessment, as this is an extension to that and a comprehensive Health, Social, Economic and Environmental Impact Assessment will be completed in the next 12 months as part of the revised policy it is not consider to be required here.
- 7.6 Summary of health, social, economic and environmental impacts: NA

Equality and Diversity

- 7.7 Have you completed an Equality Impact Analysis? No
- 7.8 If you have not completed an Impact Assessment, please explain your reasons: The original Statement of Licensing was subject to this assessment, as this is an extension to that and a comprehensive Equality Impact Analysis will be completed in the next 12 months as part of the revised policy it is not consider to be required here.
- 7.9 Summary of equality and diversity impacts: NA

Risk

Risk	Consequence	Controls required
SLDC cannot adequately hold licensed premises to account because not having a current Statement of Licensing Policy diminish our position to take action.	SLDC would have less power to control Licensed premises that do not meet the expectations of the licensing objectives.	Extension of Statement of Licensing for next 12 months.

Contact Officers

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Background Documents Available

Name of Background document	Where it is available
Statement of Licensing Policy 2016-2021	https://www.southlakeland.gov.uk/media/5689/sldc-statement-of-licensing-policy.pdf

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	05/03/2021	05/03/2021
Monitoring Officer	05/03/2021	05/03/2021

Approved by:	Signature and Date
Chief Executive	10/03/2021
In consultation with	
The Chair of Overview & Scrutiny	11/03/2021
The Chair of Licensing Committee	22/03/2021